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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,261	04/27/2000	Shuji Nakamura	122.1407	2241

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EXAMINER

EISEN, ALEXANDER

ART UNIT	PAPER NUMBER
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2674

13

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,261

Applicant(s)

NAKAMURA ET AL.

Examiner

Alexander Eisen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 5,6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

1. This is an updated Office action that has been mailed to the applicant on December 18, 2002 (paper #9).

Claim Objections

2. Claim 1 is objected to because of the following informalities: claim 1 recites limitation “accurately” in line 16, which was allegedly incorporated from now cancelled claim 2. Claim 2 used the word –*arcuately*–, which describes the particularity of the spring more accurately.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Love, US 2002/0018049 A1.

Love discloses a pointing device having an operating part (joystick 12), a detecting part for detecting a movement of said operating part [0024] and a connector part (13 in FIG. 1C) arranged adjacent to the operating part, said connector is being detachably connectable to a data processor (FIGS. 2 and 3) and serving to electrically and mechanically support in a rotatable manner operating part relative to the data processor.

As to claim 10, Love teaches a housing (38) for the operating part.

As to claim 11, the housing includes an engaging section (39).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niino in view of May, US 4,458,114.

Niino discloses a pointing device comprising a base part, an operating part supported on said base part in a rockable manner about a fulcrum, a magnet carried on operating part, and an elastic member arranged between the base part and the operating part.

Niino also teaches that a resilient member can be a leaf spring, but does not teach that it is fixedly supported on said base part, or that said plate spring includes a distal free end engageable with the operating part a proximal end integrally joined to said first section at a position remote from said distal free end and has a length between the distal and proximal ends for exerting a spring action; or that a plate spring has a generally U-shaped length between the distal and proximal ends for exerting a spring action.

May teaches a pointing device having a base unit 11 and an operating unit (actuator 20) composed of plates 14 and 15) and a plate spring 13. May also teaches the embodiments (FIGS. 1-6), wherein spring is fixedly attached to the base unit by the rivets 13a.

It would have been obvious to one of ordinary skill in the art at the time of the invention to complement the teachings of Niino, that leaf spring can be used as a resilient member in the pointing device, by the teachings of May, which gives an alternative practical solution of how

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one can realize this type of resilient support using plate spring. Both solutions will be readily recognized by those of ordinary skill in the art as an obvious alternative choice for the needed resilient member and that will not bring any unexpected result and will perform adequately.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Love in view of Niino, '980 (reference of record).

Love discloses a pointing device having an operating part, a detecting part for detecting a movement of said operating part and a connector part arranged adjacent to the operating part, said connector is being detachably connectable to a data processor and serving to electrically and mechanically support in a rotatable manner operating part relative to the data processor.

Love does not specify the particularities of a structure of the joystick.

Niino teaches a joystick having a base part, an operating part, a magnet and magneto-electric transducers and an elastic member arranged between the base part and the operating part.

It would have been obvious to one of ordinary skill in the art at the time when the invention was made that the joystick in the Love's disclosure could be of any known type, the joystick described by Niino including, which would be readily recognized by those of ordinary skills in the art as an alternative choice of a device performing similar functions.

Allowable Subject Matter

8. Claim 7 is allowed.

9. The following is an examiner's statement of reasons for allowance:

None of the prior art, either individually or in combination, teach or fairly suggest a pointing device as claimed in claim 7 and comprising a yoke, separate from the magnet, having

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the width greater than the magnet and forming a magnetic path, the yoke being arranged in the operating part to at least partially cover the magnet.

10. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: none of the prior art teach or suggest a pointing device as in claim 1 and comprising a yoke at least partially covering a magnet and directing magnetic field toward the magneto-electric transducers.

Response to Arguments

12. Applicant's arguments with respect to claims 1, 8 and 9 have been considered but are moot in view of the new ground(s) of rejection. Since the applicant's arguments are directed to claims as currently amended, they are answered by the rejection of claims above.

13. The rejection of claims 5-7 is withdrawn and claim 7 is indicated in present Office action as allowable.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Eisen whose telephone number is (703) 306-2988. The examiner can normally be reached on M-F (8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on (703) 305-4709.

Any response to this action should be **mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or **faxed to:**

(703) 872-9306 (for Technology Center 2600 only).

Hand-delivered responses should be **brought to:** Crystal Park Two, 2121 Crystal Drive, Arlington, Virginia, Sixth Floor Receptionist.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be **directed to:** Technology Center 2600 Customer Service Office, whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read 'Alexander Eisen', with a stylized flourish at the end.

Alexander Eisen
February 19, 2004